

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WALL CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 07-844 (GMS)
)	
BONDDESK GROUP, L.L.C., and)	
BONDDESK TRADING, L.L.C.,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR A STAY OF THE
PROCEEDING PENDING *INTER PARTES* REEXAMINATION**

Defendants BondDesk Group LLC and BondDesk Trading LLC (collectively, “BondDesk”) hereby move to stay all proceedings in this litigation pending the conclusion of *inter partes* reexamination of U.S. Patent No. 7,231,363 (the '363 patent), the sole patent-in-suit.

BondDesk has requested *inter partes* reexamination before the Patent and Trademark Office (“PTO”) of every claim of the '363 patent. That reexamination request brings to the PTO’s attention three independent, primary references that invalidate every claim of the '363 patent. None of those three references was considered during prosecution of the '363 patent. BondDesk seeks a stay pending resolution of that reexamination, because: (1) staying the litigation pending reexamination will simplify the issues, particularly because the requested reexamination will be *inter partes* rather than *ex parte* and thus will have final, binding effect in subsequent litigation; (2) plaintiff Wall Corporation will not be unduly prejudiced by a stay, given the early stage of the litigation and the fact that it has an adequate remedy at law; and (3) this litigation is in its infancy with no initial case management conference scheduled, no discovery taken, and no trial date set.

The grounds for BondDesk's motion are more fully explained in its opening brief and its accompanying exhibits being filed herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Mary B. Graham

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June 3, 2008
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Defendants.)	

[PROPOSED] ORDER

The Court having considered BondDesk Group LLC and BondDesk Trading LLC's Motion for a Stay of the Proceeding Pending *Inter Partes* Reexamination of the patent in suit, IT IS HEREBY ORDERED that:

- (1) BondDesk Group LLC and BondDesk Trading LLC's motion is GRANTED. The proceeding is stayed from the date of this Order until such time as the Court lifts the stay of its own volition or pursuant to a motion by either party; and
- (2) The parties shall advise the Court within 30 days of the issuance in the reexamination of the Right of Appeal Notice by the U.S. Patent and Trademark Office presenting a final decision by the PTO as to the patentability of the claims, which may be appealed to the PTO Board of Appeals and Interferences and subsequently to the Federal Circuit, and the parties' position on whether the stay shall be continued.

Dated: _____

UNITED STATES DISTRICT JUDGE

RULE 7.1.1 CERTIFICATION

Counsel for BondDesk hereby certifies that counsel for Wall Corporation has said that Wall will not agree to a stay of the proceeding pending reexamination of the patent in suit which is the relief requested by this motion.

Dated: June 3, 2008

/s/ Mary B. Graham

Mary B. Graham (#2256)

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CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2008, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to the following:

Karen E. Keller, Esq.
YOUNG CONAWAY STARGATT & TAYLOR, LLP

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on June 3, 2008 upon the following individuals in the manner indicated:

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